

DRAFT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Sean Egan

Group Art Unit: 2764

Examiner: M. Kemper

Serial No.: 09/418,184

Filed: October 12, 1999

For: SYSTEM AND METHOD FOR ASSIGNING RATINGS TO MUTUAL FUNDS AND
OTHER INVESTMENT FUNDS BASED ON THE VALUE OF VARIOUS FUTURE AND
OPTION SECURITIES

RESPONSE UNDER 37 C.F.R. §1.116

Commissioner for Patents
Box AF
Washington, DC 20231

Sir:

In response to the official action mailed May 8, 2001, please consider the following remarks and materials.

The Examiner has refused entry of the substitute specification on the grounds that neither a fully marked up copy nor a clean copy have been submitted. Applicant submits that a clean copy was submitted, and resubmits such a clean copy together with a marked-up copy showing the changes from the specification as filed.

Claims 1, 7-8 and 13-14 are rejected under 35 U.S.C. Section 112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner states that the algorithms for calculating a negative variability of return for each of the funds, calculating an adjustment for the negative variability of returns, and calculating a low and high expected annual return for each fund are not disclosed.